



**City of Northampton, Massachusetts  
Planning and Development**

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Friday, August 03, 2007

TO: Community Preservation Committee

FROM: Wayne Feiden, AICP, Director of Planning and Development

RE: Community Preservation Committee Staffing

DATE: May 25, 2007

At your last meeting, you asked Planning and Development staff to work with Jack Horner on a detailed proposal for CPC staffing. Jack and I met with the Mayor and Finance Director Chris Pile both to get the Mayor's input and to figure out exactly how this should be done.

1. **Job Description:** Attached is the proposed revised job description for our Planning and Conservation Planner, the planner in Planning and Development who would have primary responsibility for staffing CPC. As we discussed, the overall responsibility for staffing would be that of Planning and Development, and as such would be my responsibility to ensure that you have adequate staffing and that we ensure that the CPC work gets done, to the extent that there are hours available for it. The CPC would be responsible for prioritizing and assigning work tasks for the planner and identifying what you want done.
2. **Budget:** The Mayor has agreed to support the staffing scheme discussed by the CPC and to include it in the budget she is submitting to City Council next week. **The final budget amount to support two days a week of staff time is \$23,030.**

If you remember, in my memo to you on OPD staffing options, which you discussed at your April 18, 2007 meeting, I suggested:

- a. Projected minimum staff needs: 0.4 FTE (full-time-equivalent staff)
- b. Projected breakdown: 75% as professional staff and 25% as clerical support
- c. Additional needs for planning: 0.2 FTE for a limited time (the initial planning stage)
- d. Additional project implementation (IF this is the CPC's approach): 0.2 FTE
- e. Estimated budget range, depending on services \$20,000 to \$35,000

We are at the low end of my project budget because we are **not** providing the support for additional planning and project support services. I think we all agreed that it makes sense to move along with this limited staffing and have the CPC assess needs again as we all get a sense of how this process will work and what duties you will want to assign to staff.

3. **Budget Transfers:** The budget outlined above will be included in the Mayor's budget that goes to City Council next week. Assuming that the CPC votes to go ahead when you meet on May 29, 2007, City Council would approve this as part of their FY2008 budget.

When the City closes its books on fiscal year 2008, the Auditor will make the transfers required to comply with CPA, 10% of FY2007 receipts into open space, historic preservation, and affordable housing accounts.

At your meeting next week, Jack Horner will ask you to formally vote to appropriate FY2008 administration monies.

4. **CPC Staffing Letter of Intent:** When Jack Horner and I met with the Mayor, she suggested that rather than a Memorandum of Understanding between CPC and Office of Planning and Development, she would issue a Letter of Intent addressing the same points. Also attached is a draft copy of that letter for your review and comment before we ask the Mayor to formalize it.

#### **PLANNER -- CONSERVATION & LAND USE**

***Department:*** Office of Planning & Development

***Grade:*** 10

***Division:*** N/A

***Revision Date:*** 5/25/2007

***Appointing Authority:*** Human Resources Director

***Bargaining Unit:*** NAPEA

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#### **Definition:**

Technical and administrative work in overseeing the maintenance and management of conservation areas, assisting in the administration of the land use and wetlands permit process, assisting in comprehensive and strategic planning efforts, staffing the Community Preservation Committee and all other related work as required.

#### **Supervision:**

Works under the administrative direction of the Director of the Office of Planning and Development.

The Community Preservation Committee sets their own priorities and will be establish specific CPC assignments.

Exercises considerable independent judgment in rendering professional advice to the Community Preservation Commission, and Conservation Commission, concerning the

administration of the Community Preservation Act and Ordinance, the Wetlands Protection Act, Regulations, and Ordinance,, and related planning and visioning.

Shares supervises of one clerical employee.

**Job Environment:**

Work is generally performed under typical office conditions; intermittent but frequent inspection work is conducted in the field with exposure to various weather conditions.

Operates computer terminals and general office equipment as well as power and hand tools for field work; operates automobile.

Makes frequent contact with volunteer organizations, developers, consultants, state and municipal officials, other town departments, and the general public.

Has access to some department-related confidential information such as bid proposals.

Errors in either technical application of recognized planning procedures, or in the interpretation of statistically related data, could result in delays in processing important information.

**Essential Functions:**

Conservation Area Management: Coordinate the maintenance, management and monitoring of conservation areas and easements. Work with the Conservation Commission, abutters, management partners, volunteers, neighborhoods and potential volunteers. Develop new management partners. Aid in open space and recreation planning and plan implementation. Collect and analyze data to aid in the above.

Land Use and Wetlands Permit Process: Assist in helping city boards and the public through the permit process. Provide written and verbal information to boards and the public. Help coordinate the collection, analysis and flow of information to support the process. Follow-up on permit conditions. Plan and implement permit streamlining measures.

Staffing: Provide primary staffing for the Community Preservation Committee and for the Conservation Commission.

Comprehensive and Strategic Planning: Participate in all aspects of comprehensive, strategic, and current planning.

Special Projects: Coordinate and participate in a wide variety of data collection and analysis projects, including the Northampton Geographic Information System.

Performs similar or related work as required or as situation dictates.

**Recommended Minimum Qualifications:**

**Education and Experience:**

Bachelor's degree in planning or related field and two years of experience in municipal planning or related field; graduate degree in planning desirable (AICP certification desired); or any equivalent combination of education and experience.

**Knowledge, Ability, Skill:**

Thorough knowledge of the principles and practices of planning, zoning (expertise in MGL c. 40 and 40A desired) land use and conservation area management; knowledge of wetlands and stormwater (expertise in 310 CMR 10 desired); knowledge of the Community Preservation Act . Skill in the use of computers required; skill in geographic information systems desired.

Ability to communicate effectively in oral, graphic and written form and to establish harmonious working relationships with city officials, governmental representatives, community groups, and the general public.

Must be a Notary Public or able to obtain Notary Public status within six months of being hired.

Massachusetts Class D driver's license required.

**Physical Requirements:**

Minimal physical effort generally required for work performed in the office. Light physical effort occasionally required in the performance of field investigations. Position requires the ability to operate a keyboard. Occasionally may be required to walk and stand for extended periods of time during field investigations. Ability to operate a motor vehicle.

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**APPROVAL:**

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Appointing Authority/Human Resources Director

May \_\_\_\_, 2007

Dear Community Preservation Committee members:

As requested by the Community Preservation Committee, I am committing the City, acting through the Office of Planning and Development, to provide staffing to the Community Preservation Committee.

To implement this, I have taken the following action:

1. I included staffing of the Community Preservation Committee in the City budget I am submitting to City Council. The budget will fund 2 days a week (0.4 FTE) of time from the Office of Planning and Development to staff the CPC. The \$23,030 cost for this will be drawn from the CPA Administrative Account, as previously voted on by the CPC.
2. I have directed that the Office of Planning and Development, which will be funded by this appropriation, to set aside 0.4 FTE (2 days a week) to provide this staffing. Although an OPD staff person will be assigned this work, the Office of Planning and Development, through its director, is responsible for overall supervision and coordination of the work.

We are committed to providing quality staffing for the Community Preservation Committee and in doing everything to make CPA a success. I respect the independence of the CPC and it is your responsibility to assign tasks to the planner that the Office of Planning and Development has assigned to the CPC.

If you have any questions, please feel free to contact me.

Sincerely,

Mary Clare Higgins  
Mayor

May 21 , 2007

To: Mayor Clare Higgins  
From: Jack Hornor, Chair, Community Preservation Committee (CPC)  
Re: Request for Transfer/Appropriation of Fiscal 2007 CPA Funds



The information in this memo comes primarily from DOR Bulletin 2002-12B, which was issued in September of 2002. It specifically addresses first year implementation of the CPA.

State law requires that CPA be transferred or appropriated separately for each fiscal year. This memo addresses actions which should be taken for Fiscal Year 2007. (A separate memo addresses actions for Fiscal Year 2008.) To start, Chris Pile, the City's Finance Director, has told the committee that the City expects a total of approximately \$690,000 in property tax surcharges in FY07 (net after exemptions and abatements). This will be the total FY07 Total Estimated CPA Revenue.

The issue here is largely one of timing. The memo states, "Some communities may not have sufficient time to organize a CPC or present spending recommendations to their legislative bodies before the FYXX tax rate is set. . .In the event, however, that appropriations or reservations are not made before the tax rate is set . . .the accounting officer must reserve 10% of the FYXX year-end fund balance for each of the three categories of community preservation purposes. The legislative body can appropriate the reserved funds any time thereafter for projects within the particular reserve category upon recommendation of the committee. This special accounting rule applies only in this particular situation in the first year of implementation in order to ensure compliance with the statutory minimum allocation requirement." (*emphases in the original memo*)

Because the committee did not exist before the FY07 tax rate was set in December of 2006, it obviously could not make recommendations regarding the reserve accounts. Therefore, in order to meet the statutory spending requirements, the city's accounting officer should take the following actions:

- Reserve 10% from FY07 Total Estimated CPA Revenue to a Community Preservation Fund Open Space Reserve
- Reserve 10% from FY07 Total Estimated CPA Revenue to a Community Preservation Fund Historic Preservation Reserve
- Reserve 10% from FY07 Total Estimated CPA Revenue to a Community Preservation Fund Affordable Housing Reserve

These actions will create the three required reserves and put the required 10% of CPA FY07 revenue into each reserve. Because of the timing of the creation of the CPC, by law no FY07 funds are available for administrative expenses. The balance of the \$690,000 is \$483,000, which I believe will be automatically swept into an "undesignated CPA fund balance" account and which will be available for appropriation or reserving in FY08.

**May 29 , 2007**

**To: Mayor Clare Higgins**

**From: Jack Hornor, Chair, Community Preservation Committee (CPC)**

**Re: Request for Transfer/Appropriation of Fiscal 2008 CPA Funds**

At its meeting on Tuesday, May 29<sup>th</sup>, 2007, the Community Preservation Community voted to request that the following appropriations/transfers be made by the City Council. These requests were voted on as a package by the committee.


These appropriations/transfers will ensure that CPA money is available for spending at the beginning of the 2008 fiscal year. The amounts are based on a estimated FY08 Total Estimated CPA Revenue of \$1.38 million (\$690,000 to be collected locally during the FY08 fiscal year, and \$690,000 to be received from the state in October 2007 as a 100% match of the estimated \$690,000 to be collected locally in FY07.)

The committee asks that you present these requests to the City Council so that they can be acted on before the end of FY07.

If you have any questions, please feel free to contact me.

- **To transfer \$138,000 from FY08 Total Estimated CPA Revenue to the Community Preservation Fund Open Space Reserve**
  - **To transfer \$138,000 from FY08 Total Estimated CPA Revenue to the Community Preservation Fund Historic Preservation Reserve**
  - **To transfer \$138,000 from FY08 Total Estimated CPA Revenue to the Community Preservation Fund Affordable Housing Reserve**
  - **To appropriate \$50,000 from FY08 Total Estimated CPA Revenue to the FY08 Community Preservation Fund Administrative Account**
  - **To transfer \$906,000 from FY08 Total Estimated CPA Revenue to the FY08 Community Preservation Fund Budgeted Reserve**
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May 21 , 2007

To: Mayor Clare Higgins  
From: Jack Hornor, Chair, Community Preservation Committee (CPC)   
Re: Request for Transfer/Appropriation of Fiscal 2008 CPA Funds

A critically important step in implementing the Community Preservation Act in Northampton is the transfer of CPA funds into various accounts which have been approved by the Department of Revenue (DOR), the state agency which has the responsibility and authority for the CPA. The accompanying memo on Fiscal Year 2007 outlines steps the city's accounting officer should take to create the required Open Space, Historic Preservation, and Affordable Housing Reserve Accounts and transfer 10% of FY07 Total Estimated CPA Revenue into each of those accounts. This memo outlines action related to Fiscal 2008 CPA Revenue.

The Community Preservation Committee met this past Wednesday night and had a very helpful conversation with Chris Pile, the City's Finance Director. Chris told us that in order to have funds available for use on July 1<sup>st</sup>, we need to put our request before the Council so as to have a first reading on June 7<sup>th</sup> and second reading on June 21<sup>st</sup>. If this timetable is agreeable to you, I will call a special meeting of the CPC so that we can officially make our request.

In FY08 the City, according to Chris, anticipates a minimum of \$690,000 (net after exemptions and abatements) to be collected in property tax surcharges for FY08. This is the same figure the city is using for FY07. Also in FY08, the Commonwealth will be providing a 100% match of the \$690,000 raised locally in FY07, bringing FY08 Total Estimated CPA Revenue to a total of \$1.38 million. Information about the 100% match is contained in DOR Bulletin 2007-05B (March 2007), which states: "**Community Preservation Fund:** The bureau expects about 100 cities and towns will use this option during FY2008. Based on the balance in the State Fund from surcharges at the Registries of Deeds, we expect that the matching funds to be awarded in October 2007 will again be equal to 100% of the surcharge levied by the city or town."

To ensure that the total amount is available for spending in FY08, a set of five appropriations/transfers needs to be made:

- To transfer \$138,000 from FY08 Total Estimated CPA Revenue to the Community Preservation Fund Open Space Reserve
- To transfer \$138,000 from FY08 Total Estimated CPA Revenue to the Community Preservation Fund Historic Preservation Reserve
- To transfer \$138,000 from FY08 Total Estimated CPA Revenue to the Community Preservation Fund Affordable Housing Reserve
- To appropriate \$50,000 from FY08 Total Estimated CPA Revenue to the FY08 Community Preservation Fund Administrative Account



- To transfer \$906,000 from FY08 Total Estimated CPA Revenue to the FY08 Community Preservation Fund Budgeted Reserve

These appropriations/transfers will accomplish the following:

- Transferring \$138,000 to each of the three program-related reserves ensures that the city complies with the requirement to spend at least 10% of CPA funds for open space, historic preservation, and affordable housing. Any money unspent at the end of FY08 will remain in the reserves and cannot be transferred to any other accounts for any reasons.
- Transferring \$50,000 to an Administrative Account ensures that starting July 1 the CPC has money available to use for appropriate administrative purposes, including staffing. I would like to point out that under the law the CPC could have requested up to \$69,000 (5% of \$1.38 million). However, the committee believes that \$50,000 will be the maximum it might need for administrative purposes. Since this is our first year of operation, we must guess at the amount necessary. The committee pledges to spend only what it absolutely needs. Any money remaining in the Administrative Account at the end of the fiscal year returns to the general account and does not carry over into the next fiscal year. Once this money is in the Administrative Account, it can be spent at the committee's discretion without further Mayoral or Council action.
- These four transfers total \$464,000. The final transfer of \$906,000 into the Budgeted Reserve reserves virtually all of the remainder of FY08 CPA money. By doing these transfers now, we start FY08 with this initial task accomplished well in advance of setting the tax rate. (Note: DOR recommends making the Budgeted Reserve transfer slightly less than estimated revenues in case those revenues come in lower than expect. While we think that is unlikely, the amount is \$10,000 less than the full FY08 Total Estimated CPA Revenue.)

In addition to requesting this set of appropriations/transfers, the committee also voted in principle on Wednesday to enter into a agreement with the City by which a staffer from the Office of Planning and Development would provide support to the CPC. Wayne Feiden has given us an initial estimate of staffing costs of between \$20,000 and \$35,000. This would clearly be the bulk of costs paid from the Administrative Account. Wayne is currently drafting a memorandum of agreement for the CPC to review at its June 20 meeting. Our hope is to enter into such an agreement with the City by the end of June so as to have a staffer ready to begin work on July1, the first date CPA funds are available for spending.

## Community Preservation Act Revenue Figures as of 4/18/07

Prepared by Jack Hornor, CPC Chair

The **Assessor's Office** provides what is called **commitment information** to the Tax Collector. These figures indicate what is available to be collected. The figures below are for Fiscal Year 2007, the first year the CPA surcharge was collected. 383 families applied for and received exemptions or abatements. In the case of the amounts below, these were provided before many of the exemptions were applied for and received.

• First Quarter (7/1/06 – 9/30/06)	\$157,551.51
• Second Quarter (10/1/06 – 12/31/06)	\$157,410.91
• Third Quarter (1/1/07 – 3/31/07)	\$206,928.70
• Fourth Quarter (4/1/07 – 6/30/07)	\$206,882.10
<b>TOTAL</b>	<b>\$728,882.22</b>

The **Tax Collector** has taken in the following amounts. The decreases are the result of two factors. First, these figures reflect the various exemptions and abatements, which the above figures do not. Second, a number of residents pay their taxes twice a year; as a result of this, first and third quarter collections are typically higher than second and fourth quarter collections.

• First Quarter (7/1/06 – 9/30/06)	\$155,126.99 (-\$2,424.52)
• Second Quarter (10/1/06 – 12/31/06)	\$151,748.00 (-\$5662.91)
• Third Quarter (1/1/07 – 3/31/07)	\$198,859.88 (-\$8068.82)
• Fourth Quarter (4/1/07 – 6/30/07)	\$ not yet received
<b>TOTAL RECEIVED TO DATE</b>	<b>\$505,573.87</b>

The variance between projected and actual for the first three quarters is \$16,156.25. If the fourth quarter variance is in keeping with the second quarter (approx. \$3500 greater than the previous quarter), then a figure of \$11,500 would be reasonable to expect. This would bring the total variance to about \$27,725.

## **CONVERSATION WITH SOUTHWICK CPC VICE- CHAIR**

**What staffing model does your CPC use?** The CPC has hired a secretary who takes care of the minutes and puts out the agenda (confers with chair and vice-chair). The secretary is employed by the CPC, but is among the group of part-time employees of the town. When they get raises, the CPC follows along with their secretary's benefits.

**What are your staffing costs?** Barbara McEwen (Vice-chair) was not absolutely sure but seemed to remember a figure of \$2,000 per year.

**Have staffing needs changed between the first and subsequent years?** The short answer is no. The Southwick CPC was formed in 2001 and allots 4% for administrative costs, which is about \$12,000 per year. Southwick is also one of the 3% communities.

**Have you ever used a consultant?** The Southwick CPC has used a consultant, connected with the Winding River Land Trust, on several occasions for land appraisal advice and APR assessments. On both of these times the same consultant was used at a cost of \$500 for each project. The Southwick CPC regularly consults with Kathleen McCreary (?) from DOR, as the funding report criteria has changed at least three times since the CPC's were formed.

**What expenses are included in your administrative budget?** The secretary's costs, assessments for land purchases (including campaign brochures for a particular land acquisition).

**Can you share actual administrative budgets with us?** As mentioned before, the annual administrative budget is \$12,000. The CPC has never fully expended this amount and the remainder is rolled back into their general funds.

**In what form have you submitted your administrative budget requests?** The administrative budget is submitted as a Warrant Article at the Annual Town Meeting, along with the 10, 10, 10, and 70 percent figures. These are estimated from the figures from the Town Assessors office. The DOR needs the figures in actual dollar amounts and both the Assessors and Town Accountant need to file reports.

**What process did you use to develop your criteria?** The CPC went to all communities that had developed criteria, in order to establish their own criteria that would be tailored to their communities' needs. Barbara estimated that the adjustment process took about 6 months.

**What worked well, and how would you do things differently?** What worked well was in keeping in contact with other CPC communities and using the services of the Coalition. Particularly difficult questions would be put to the

Coalition, who would, in turn, pass the question to other CPC's, so that towns that dealt with similar issues could respond.

**Who did you consult, and in what ways?** The Southwick CPC primarily consulted with Kathy Ross and her assistant (Coalition) by e-mail and with follow-up phone calls.

**How many public meetings or hearings did you hold?** The Southwick CPC has had three public meetings. The fourth will be on May 3<sup>rd</sup>. The first meeting was attended by about a dozen people, the second by a handful of citizens, and the last meeting by one person (who showed up when the meeting was adjourning).

**What is the personnel make-up of your CPC?** The CPC has a 9-member committee, 1-Historical, 1-Conservation, 1-Housing, 1-Planning Board, 1-Elected, and 4 appointed by the Select Board. This is certainly more political than the Vice-chair would like.

Submitted 4-17-07; Mase Maronn; Conservation Commission